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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yasuaki Ito

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

HOWARD, ZACHARY C

ART UNIT

PAPER NUMBER

1646

MAIL DATE

DELIVERY MODE

11/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/542,408

Examiner

ZACHARY C. HOWARD

Applicant(s)

ITO ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 August 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Bridget E Bunner/
Primary Examiner, Art Unit 1647

Continuation of 4(e) Other: The amendment to the claims filed on 8/26/10 is considered non-compliant because it has failed to meet the requirements for amendments to the claims.

Specifically, the following amendments to the claims in the claim listing filed on 9/2/10 are not amendments compliant with 37 CFR 1.121(c)(2), which states, "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims."

In claim 1, a colon has been added following the word "comprising" on line 2 without the appropriate markings (underlining) indicating such.

In claim 1, a period is indicated as being added to the end of the sentence by underlining. However, a period was previously present at the end of the sentence, and nowhere is this indicated as being deleted by appropriate markings (striethrough).

In claim 3, the word "claim" in line 1 is marked with a striethrough for deletion. However, in these previous text of the claim this word was written as "Claim" (capitalized). Thus, the word marked for deletion should be written as previously recited in the claim ("Claim").

In claim 3, a colon has been added following the word "comprising" on line 6 without appropriate markings indicating such.

In claim 3, the numeral "i)" has been added at the beginning of line 7 without appropriate markings indicating such.

In claim 3, the period previously present at the end of the claim is indicated as being deleted in line 6. However, at the end of the claim another period has then been added without appropriate markings (underlining).

In claim 14, the word "Claim" in line 1 has been changed to "claim" without the appropriate markings indicating such.

In claim 14, the period previously present at the end of the claim is indicated as being deleted in line 6. However, a new period has been added following the word suppressing on line 8 without appropriate markings (underlining).

As a courtesy the following is also noted:

In claim 1, the term "cell-stimulating" is missing a hyphen when used on line 14 (first line of part (iii)). The other two instances of use in the claims have a hyphen.

In the last line of claim 3, the word "G protein-coupled receptor" is spelled without the hyphen (i.e., "G protein coupled receptor") that is used in each other instance in the claims.

In claim 14, line 1, a striethrough is present between the words "of" and "claim", which indicates a deletion of the space between the words (i.e., "ofclaim"). This will result in an objection to the claim.

In claim 14, it is noted that Applicants intend to delete the word "the" before each member of the Markush-type group (e.g., "the intracellular Ca²⁺ increasing activity" becomes just "intracellular Ca²⁺ increasing activity". However, it is noted that the word "the" has not been deleted from the last activity ("the lipolysis suppressing activity").

In claim 14, the term "cell-stimulating" is missing a hyphen when used on line 4. The majority of instances of use in parent claim 1 have a hyphen.